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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

In re: NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION	MDL Dkt. No. 06-1791-VRW **STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME FOR AT&T AND CINGULAR DEFENDANTS TO RESPOND TO COMPLAINTS**
This Document Relates To: *United States v. Rabner*, No. 07-1324; *United States v. Palermino*, No. 07-1326; and, *United States v. Volz*, No. 07-1396.	[Civil L.R. 6-2, 7-1(5), 7-12] Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker

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RECITALS

A. On February 21, 2007, the Judicial Panel on Multidistrict Litigation's order transferring *Clayton v. AT&T Communications of the Southwest, Inc.*, No. 07-1187; *United States v. Gaw*, No. 07-1242; *United States v. Rabner*, No. 07-1324; *United States v. Palermino*, No. 07-1326; *United States v. Volz,* No. 07-1396; and *United States v. Adams,* No. 07-1323 (the "Federal-State Cases") was entered on this Court's docket, at which point the transfer of those cases became effective. Dkt. 173.

B. As of the date of this Stipulation, the AT&T and Cingular Defendants (as defined in footnote 3 of the Joint Case Management Statement, Dkt. 61-1) have not answered or moved to dismiss the complaints brought by the United States in three of the Federal-State Cases, *i.e.*, *United States v. Rabner,* No. 07-1324; *United States v. Palermino,* No. 07-1326; and *United States v. Volz*, No. 07-1396.

C. On March 26, 2007, the Court entered an Order in the six Federal-State cases. Dkt. 219. This Order did not specify whether telecommunications carriers now must answer the complaints filed by the United States against them in these cases.

STIPULATION

The United States and the AT&T and Cingular Defendants hereby stipulate that the AT&T and Cingular Defendants need not answer or otherwise respond to the complaints in *United States v. Rabner,* No. 07-1324; *United States v. Palermino*, No. 07-1326; and *United States v. Volz*, No. 07-1396 until sixty days after this Court issues an order resolving the dispositive motions set for hearing by the Order of March 26, 2007.

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Dated: March 28, 2007.

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By *___/s/ Marc H. Axelbaum___*
Marc H. Axelbaum

Attorneys for the AT&T and Cingular Defendants

DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, MARC H. AXELBAUM, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on March 28, 2007, at San Francisco, California.

___/s/ Marc H. Axelbaum___
Marc H. Axelbaum

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Dated: March 28, 2007.

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By */s/ Anthony J. Coppolino per G.O. 45*
Anthony J. Coppolino
Attorneys for United States of America

[PROPOSED] ORDER

Pursuant to the foregoing Stipulation, and good cause appearing, IT IS HEREBY ORDERED that:

The AT&T and Cingular Defendants need not answer or otherwise respond to the complaints in *United States v. Rabner*, No. 07-1324; *United States v. Palermino*, No. 07-1326; and *United States v. Volz*, No. 07-1396 until sixty days after this Court issues an order resolving the dispositive motions set for hearing by the Order of March 26, 2007.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: March __, 2007.

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Hon. Vaughn R. Walker
United States District Chief Judge